

ORDINANCE NO. 05-271

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTERS 14.02, 14.06, 14.08, 14.10, 14.12 AND 14.80 OF THE
LOS ALTOS MUNICIPAL CODE PERTAINING TO LARGE FAMILY DAY CARE
HOMES IN SINGLE FAMILY RESIDENTIAL DISTRICTS**

WHEREAS, the City Council of the City of Los Altos finds that there is a need for family day care homes and that there should be a variety of family day care home settings, including regulated large family day care in homes and neighborhoods throughout the City; and

WHEREAS, the City of Los Altos General Plan recognizes that although Los Altos is a developed community with little opportunity for additional growth or major land use changes, Los Altos has a variety of land uses; and

WHEREAS, the City of Los Altos' General Plan recognizes that land use decisions are shaped by the community's desire to preserve and protect its unique character and existing land use patterns, and that achieving and maintaining a balance of land uses can help ensure fiscal stability and also create a desirable community in which people can reside, work, shop and recreate; and

WHEREAS, the City of Los Altos' General Plan further recognizes that 67 percent of the land in the planning area of Los Altos has the land use designation "Single-Family Medium Lot" which provides for single family detached homes and allows a maximum density of up to four units per net acre, and that uses such as large family day care homes and other uses that are compatible with the low density single-family neighborhood may be considered as conditional uses; and

WHEREAS, the City Council of the City of Los Altos finds and determines that the adoption of reasonable standards, restrictions, and requirements concerning spacing and concentration, traffic control and noise relating to large family day care homes are necessary to protect Los Altos' unique character and existing land uses, and to further protect the health, safety and welfare of its residents and its community without placing undue burdens on day care home providers. Therefore, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Section 14.02.070 of Article 14 is hereby amended as follows:

"Family day care home" means a dwelling where day care is provided for children under eighteen (18) years of age who are unrelated to the licensee. A small family day care home may provide care for up to eight children, and a large family day care home may provide care for up to fourteen children, as regulated by the California Health and Safety Code. Both limitations include the number of children residing in the dwelling.

SECTION 2. AMENDMENT OF CODE: Sections 14.06.030, 14.08.030, 14.10.030, 14.12.030 of Article 14 are hereby amended as follows:

14.06.030 Conditional uses (R1-10).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80, the following uses shall be permitted in the R1-10 District:

- A. Community facilities as provided in Chapter 14.70;
- B. Large family day care homes; and
- C. Flag lots.

14.08.030 Conditional uses (R1-H).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80, the following uses shall be permitted in the R1-H District:

- A. Community facilities as provided in Chapter 14.70;
- B. Large family day care homes; and
- C. Flag lots.

14.10.030 Conditional uses (R1-20).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80, the following uses shall be permitted in the R1-20 District:

- A. Community facilities as provided in Chapter 14.70;
- B. Large family day care homes; and
- C. Flag lots.

14.12.030 Conditional uses (R1-40).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80, the following uses shall be permitted in the R1-40 District:

- A. Community facilities as provided in Chapter 14.70;
- B. Large family day care homes; and
- C. Flag lots.

SECTION 3. AMENDMENT OF CODE: Section 14.80.060 (G) is hereby amended as follows:

14.80.060 Commission and council action.

- G. When the proposed conditional use is a large family day care home as defined by the California Health and Safety Code, the commission and council shall make a specific finding on each of the following issues:
 - 1. That the day care home provides a minimum of four off street parking spaces.
 - 2. That the day care home provides staggered drop-off and pick-up times in order to minimize traffic impacts.
 - 3. That the day care home provides noise mitigation measures in order to minimize the noise levels generated by outdoor play areas, and that children's outdoor play only occurs between the hours of 8:00 a.m. and 7:00 p.m.
 - 4. That the day care home is not located within one thousand five hundred (1,500) feet of another large family day care home, as measured following the street, or within five hundred (500) feet of another large family day care home as measured from any property line.
 - 5. That the day care home is visually incidental and secondary to the residential use of the property.
 - 6. That the day care home is the principal residence of the child care provider.
 - 7. That if the day care home is located on a flag lot, that lot shall be a minimum of fifteen thousand (15,000) square feet.

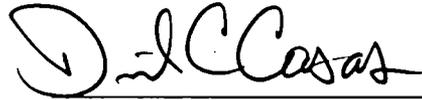
SECTION 4. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 5. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

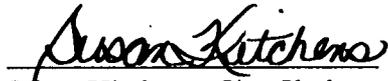
The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on January 11, 2005 and was thereafter, at a regular meeting held on January 25, 2005 passed and adopted by the following vote:

Ayes: COLE, MOSS, PACKARD, LEAR, CASAS
Noes: NONE
Absent: NONE



David Casas, Mayor

Attest:



Susan Kitchens, City Clerk

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